

**REGULAR MEETING  
of the  
CITY OF RIALTO  
CITY COUNCIL/REDEVELOPMENT AGENCY**

**MINUTES  
June 14, 2011**

A regular meeting of the City Council/Redevelopment Agency of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday June 14, 2011.

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This meeting was called by the presiding officer of the Rialto City Council in accordance with the provisions of **Government Code §54956** of the State of California.

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**CALL TO ORDER**

Mayor Grace Vargas called the meeting to order at 5:02 p.m.

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The roll was called and the following were present: Mayor Grace Vargas, Mayor Pro Tem Ed Scott and Council Member Joe Baca Jr. Also present were Interim City Administrator Mark Kling, Assistant City Attorney Arturo Fierro and City Clerk Barbara McGee. Council Member Ed Palmer and Council Member Robertson were absent.

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**CLOSED SESSION**

1. Conference with Legal Counsel – Existing Litigation. The City Council and Redevelopment Agency Board will discuss the following pending litigation pursuant to Government Code Section 54956.9(a):

(a) City of Colton v. American Promotional Events, Inc., et al.  
United States District Court Case No. EDCV 09-01864 PSG (SSx)

(b) L.A. Builders, Inc. v. City of Rialto  
San Bernardino County Superior Court Case No. CIVDS 916295

(c) City of Colton v. City of Rialto, et al. (Wal-Mart)  
San Bernardino Superior Court Case No. SCVSS 811119

## **CLOSED SESSION**

2. The City Council will conduct a Public Employee Appointment pursuant to Government Code Section 54957:

Title: Interim Fire Chief

4. Conference with Labor Negotiator regarding the following recognized employee organization pursuant to Government Code Section 54957.6:

Agency negotiator: Brad Neufeld, GSNT

Employee organization: Rialto Police Benefit Association  
Police Management Bargaining Unit  
Mid-Management Bargaining Unit  
General Bargaining Unit  
CGMA Bargaining Unit  
Fire Management Bargaining Unit  
Firefighters Union Local 3688

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Motion by Council Member Palmer, second by Mayor Pro Tem Scott and carried by a 4-0 vote to go into Closed Session at 5:05 p.m.

Council Member Robertson arrived at 5:15 p.m.

City Council returned at 5:42 p.m.

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## **CALL TO ORDER**

Mayor Grace Vargas called the meeting to order at 6:00 p.m.

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The roll was called and the following were present: Mayor Grace Vargas, Mayor Pro Tem Ed Scott, Council Members Joe Baca Jr., and Deborah Robertson. Also present were Interim City Administrator Mark Kling, Assistant City Attorney Arturo Fierro and City Clerk Barbara McGee. Council Member Ed Palmer was absent.

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## **Pledge of Allegiance and Invocation**

Council Member Deborah Robertson led the pledge of allegiance and Pastor C. Kim Starr – Crossroads Christian Center gave the Invocation.

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## **City Attorney's Report**

Assistant City Attorney Fierro stated that in Closed Session the City Council took no action on Items 1a, 1c and Item 2. City Council gave direction on Item 1b and Item 3. The City Council approved extending the Memorandum of Understanding with the CGMA and SBPEA Management Group until June 30, 2012.

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## **PRESENTATIONS AND PROCLAMATIONS**

Ahmad Ansari, Director of Public Works/City Engineer presented the Foothill Blvd. Aesthetic Improvement designs.

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Ahmad Ansari, Director of Public Works/City Engineer gave recognition to Public Works staff that went out of their way and made the Library Grand Re-Opening possible.

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Council Member Robertson gave recognition to Development Services staff for going above and beyond to help bring in a new business to Rialto - American Handforge that manufactures aluminum forged blocks for the Aerospace and Semi-Conductor industries.

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## **CONSENT CALENDAR**

### **A. WAIVE FULL READING OF ORDINANCES**

1. Waive reading in full, all ordinances considered at this meeting.

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### **B. APPROVAL OF WARRANT RESOLUTIONS**

1. Resolution No. 41 (4/29/11)
2. Resolution No. 42 (5/6/11)
3. Resolution No. 43 (5/13/11)
4. Resolution No. 44 (5/20/11)
5. Resolution No. 45 (5/27/11)

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### **C. APPROVAL OF MINUTES**

1. Regular RDA/City Council Meeting – May 10, 2011

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### **D. SETTING OF PUBLIC HEARINGS**

1. Request City Council to set a public hearing for the **June 28, 2011** City Council Meeting for the consideration of new residential and commercial rates for rubbish disposal and recycling services.

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### **E. MISCELLANEOUS**

1. Request City Council to approve **Resolution No. 5978** delegating the City Administrator, or his/her delegate as the contact person in matters related to the Services Agreement with Burrtec Waste Industries for refuse/recycling collection and disposal.

## **CONSENT CALENDAR**

### **E. MISCELLANEOUS (continued)**

2. Request City Council to adopt **Resolution No. 5979** ordering the preparation of an Engineer's Report for Street Lighting District No. 1; **Resolution No. 5980** giving preliminary approval of the Engineer's Report; and **Resolution No. 5981** declaring intention to levy and collect assessments and setting a Public Hearing for June 28, 2011.
3. Request City Council to adopt **Resolution No. 5982** ordering the preparation of an Engineer's Report for Landscape Maintenance District No. 1; **Resolution No. 5983** giving preliminary approval of the Engineer's Report; and **Resolution No. 5984** declaring intention to levy and collect assessments and setting a Public Hearing for June 28, 2011.
4. Request City Council to adopt **Resolution No. 5985** initiating the proceeding to levy and ordering the preparation of an Engineer's Report for Landscape Maintenance District No. 2; **Resolution No. 5986** giving preliminary approval of the Engineer's Report; and **Resolution No. 5987** declaring intention to levy and collect assessments and setting a Public Hearing for June 28, 2011.
5. Request City Council to approve the purchase of a Crisis Response System from Enforcement Technology Group Inc. in the amount of \$23,500.
6. Request City Council to authorize staff to apply for the Bulletproof Vest Partnership (BVP) Grant Award for the Fiscal Year 2011.
7. Request City Council to authorize approval of a Lease Agreement between the City of Rialto and House of Media & Education (H.O.M.E.) to establish a tutoring facility within rooms 401 and 402 of the Carl Johnson Center located at 214 N. Palm Avenue
8. Request City Council to adopt **Resolution No. 5988** accepting funds from the Rialto Downtown Owners Association, Inc. (RDOA), previously known as the Rialto Downtown Business Improvement District Association (BIDA) for the Rialto Centennial Celebration, Rialto Walk of Fame project.
9. Request the Redevelopment Agency to adopt **RDA Resolution No. 735** approving an agreement to purchase Tax Defaulted properties from the County of San Bernardino pursuant to Chapter 8 of the Revenue and Taxation Code.

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## **CONSENT CALENDAR**

Mayor Pro Tem Scott stated that he has a Conflict of Interest with regard to Item E-8.

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Motion by Council Member Baca Jr., second by Council Member Scott and carried by a 4-0 vote to approve the Consent Calendar with the exception of Item E-8.

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Mayor Pro Tem Scott left the dais at 6:30 p.m. and returned at 6:33 p.m.

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Motion by Council Member Baca Jr., second by Council Member Robertson and carried by a 3-0 vote to approve Consent Calendar Item E-8.

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## **NEW BUSINESS**

### **TAB 1 – Professional Services Agreement for Interim Fire Chief**

Interim City Administrator/Police Chief Mark Kling stated that this is a request to approve a Professional Services Agreement for the Interim Fire Chief. Fire Chief Espinosa left the city last week. Staff is recommending Interim Fire Chief James Ballard for the term of June 15<sup>th</sup> until December 31, 2011. Funds are already budgeted from the Fire Chief existing salary.

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Motion by Mayor Pro Tem Scott, second by Council Member Robertson and carried by a 4-0 vote to approve the Professional Services Agreement for Interim Fire Chief.

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## **PUBLIC HEARING**

### **TAB 2 – Placement of Liens for delinquent refuse collection amounts**

Barbara Dellinger, Superintendent of Solid Waste Management and Airport. This is the routine placement of liens for delinquent refuse bills for the fourth quarter of 2010.

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Mayor Vargas declared the public hearing open.

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Wendell W. West, has a rental property in Rialto, asked if the home has been vacant for three years and does he still owe if he never received trash bins.

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Barbara Dellinger stated that in the Rialto Municipal Code it states the city has mandatory trash service but only on occupied buildings. So if it's not occupied then trash service can be cancelled. She requested that address 244 N. Clifford be removed from the lien list. She recommends that the property owner puts the bill in their name to keep track.

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**PUBLIC HEARING**

**TAB 2 – Placement of Liens for delinquent refuse collection amounts**

Motion by Council Member Robertson, second by Mayor Pro Tem Scott and carried by a 4-0 vote to close the public hearing. Council Member Palmer was absent.

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Motion by Council Member Baca Jr., second by Mayor Pro Tem Scott and carried by a 4-0 vote to approve placement of liens (delinquent refuse collection accounts for 4th quarter 2010) against properties listed and approval of **Resolution No. 5990** authorizing the filing of liens. Council Member Palmer was absent.

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**TAB 3 – 2010 Urban Water Management Plan**

Ahmad Ansari, Director of Public Works/City Engineer stated that this is a request to continue the public hearing until June 28<sup>th</sup> City Council Meeting to review and approve the 2010 Urban Water Management Plan.

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Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by a 4-0 vote to continue the TAB. Council Member Palmer was absent.

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**NEW BUSINESS**

**TAB 4 – budget transfer to purchase KRT0 media equipment**

City Clerk Barbara McGee stated that this is a request to approve a budget resolution to transfer funds to purchase media equipment for KRT0. Each year they receive money from AT&T and Time Warner Cable that goes towards the PEG fund. These funds can only be used to buy equipment for KRT0, such as microphones and cameras in the council chambers. She stated that Senator Rod Wright is working on bill SB530 to impose a tax on direct broadcast satellite (DBS) television providers.

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Council Member Baca Jr. suggested a letter support from Rialto.

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Motion by Mayor Pro Tem Scott, second by Council Member Robertson and carried by a 4-0 vote to adopt **Resolution No. 5991** to establish budget and transfer funds for purchase of Media Equipment for the Council Chambers and KRT0 facilities. Council Member Palmer was absent.

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**TAB 5 – PSA for Records Management Software Administrator**

Captain Tony Farrar stated that this is a request to extend a Professional Services Agreement for the Records Management Software Administrator within the Police Dept. in the amount of \$61,750.

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## **NEW BUSINESS**

### **TAB 5 – PSA for Records Management Software Administrator**

Motion by Council Member Baca Jr., second by Council Member Robertson and carried by a 4-0 vote to extend the Professional Services Agreement for the Records Management Software Administrator in the amount of \$61,750. Council Member Palmer was absent.

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### **TAB 6 – Eighth Amendment to extend the Independent Contractor Agreement for City Security**

Captain Tony Farrar stated that this is a request to approve Amendment No. 8 to extend the Independent Contractor Agreement for General Security Services Inc. for the City security contract for a two year period in the amount of \$240,000. The police department has worked with this vendor to ensure top quality service. At no cost to the city the company installed a computer based monitoring system that allows PD personnel to track all the actual movement of the security personnel to ensure patrol areas are contacted.

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Council Member Robertson stated that some of the areas patrolled are RDA owned properties and why are they are included in the breakdown of payment.

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Captain Farrar stated that he will find out and get back to City Council.

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Motion by Council Member Robertson, second by Mayor Pro Tem Scott and carried by a 4-0 vote to approve the Eighth Amendment to extend the Independent Contractor Agreement for General Security Services Inc., City Security Contract for a two year period in the amount of \$240,000. Council Member Palmer was absent.

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### **TAB 7 – Purchase of Surveillance Camera Systems**

Captain Tony Farrar stated that this is a request to purchase surveillance camera systems from Datalink Corporation in the amount of \$333,693.18. This will be to complete Phase II of the Parks Surveillance Project.

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Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by a 4-0 vote to purchase Surveillance Camera Systems from Datalink Corporation in the amount of \$333,693.18. Council Member Palmer was absent.

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### **TAB 8 – Equipment Replacement at the Senior Center**

Mike Story, Director of Development Services stated that since the Senior Center opened in 2003, the kitchen equipment has reached its useful life and requires replacement in order to reduce equipment repair and maintenance.

## **NEW BUSINESS**

### **TAB 8 – Equipment Replacement at the Senior Center**

Mike Story, Director of Development Services stated the kitchen equipment goes through daily rigorous use by multiple groups. Replacement of various kitchen equipment from Kamran & Co. in the amount of \$66,208.19 and replacement of refrigerator and freezer to Café Concepts in the amount of \$13,679.76.

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Motion by Council Member Baca Jr., second by Mayor Pro Tem Scott and carried by a 4-0 vote to award a Contract for the replacement of various kitchen equipment at the Senior Center to Kamran & Co. in the amount of \$66,208.19 and award a Contract for the replacement of refrigerator and freezer to Café Concepts in the amount of \$13,679.76 and adopt a **Resolution No. 5992** appropriating \$79,877.95 from the HUD Section 108 Senior Center Construction Loan proceeds from the project. Council Member Palmer was absent.

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### **TAB 9 – Professional Consulting Agreement with David Turch and Associates**

Robb Steel, Director of Economic Development stated this is the annual contract with David Turch and Associates for Federal lobbying efforts. Many years ago this service was paid through the General Fund and the Redevelopment Agency picked them up 5-6 years ago and added the service related to the Airport. The Airport service is now off and the contract amount is \$60,000 plus \$5000 in reimbursable expenses for a total of \$65,000. The funds are budgeted in the RDA account.

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Motion by Mayor Pro Tem Scott, second by Council Member Robertson and carried by a 4-0 vote to approve a Professional Consulting Agreement with David Turch and Associates for Legislative Advocacy Services in the amount of \$65,000. Council Member Palmer was absent.

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### **TAB 10 – Redevelopment Agency Annual Report**

Robb Steel, Director of Economic Development requested that this item be removed from the Agenda until they can present the audit report at the same time.

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Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by a 4-0 to remove from the Agenda. Council Member Palmer was absent.

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### **TAB 11 – Amendment No. 3 to the PSA with AEI-CASC for Civil Engineering Services**

Robb Steel, Director of Economic Development stated that this is an Amendment to a Professional Services Agreement with AEI-CASC for civil engineering services related to the Pepper Avenue Extension Project. They are trying to complete this project by November 2012 or face sanctions with SANBAG.



## **NEW BUSINESS**

### **TAB 11 – Amendment No. 3 to the PSA with AEI-CASC for Civil Engineering Services**

Robb Steel, Director of Economic Development stated that the Redevelopment Agency has approved several contract amendments as the scope of work has changed along the way. The total cost of these contract addendum services are \$23,100. This will increase the compensation from \$147,204 to \$170,304. The funding is budgeted in the Agency's tax allocation bond issue from 2008.

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Mayor Pro Tem Scott stated that they were stuck with California Game and Fish on getting approvals for this project and jeopardizing the money. Council Member Robertson made a trip to Sacramento so she met with Senator Gloria Negrete-McLeod. Within a week the problem was gone and they were moving forward on this. He appreciates Council Member Robertson's efforts on this.

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Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by a 4-0 vote to approve Amendment No. 3 to the Professionals Services Agreement with AEI-CASC for Civil Engineering Services related to the Pepper Avenue Extension Project. Council Member Palmer was absent.

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### **TAB 12 – Professional Services Agreement with Lynn Merrill – NPDES Program**

Ahmad Ansari, Director of Public Works/City Engineer stated that this is for substitution of staff due to recent vacancies of staff in Public Works. The Regional Water Quality Control Board issues permits periodically. The last one was back in January 2010 for the NPDES MS-4 Program. There are four main components expected from each co-permittee. 1. General management and coordination, attending board meetings, implementation, public education, etc. 2. Business inspections. 3. City's Best Management Practices with respect to NPDES. 4. WQMP – Water Quality Management Plan shared between Public Works and Development Services. The City's BMPs - catch basin cleaning is done in-house. The business inspections – NPDES inspector they do in-house. Regarding the general management, they recently had two vacancies in Public Works that they need to be filled. They requested proposals from consultants to assist in this area. Lynn Merrill ranked No. 1 to assist in this area.

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Motion by Council Member Baca Jr., second by Mayor Pro Tem Scott and carried by a 4-0 vote adopt budget **Resolution No. 5993** and award a Professionals Services Agreement to Lynn Merrill for Technical Consultant Services to assist with the National Pollution Discharge Elimination System (NPDES) program in the amount of \$59,760. Council Member Palmer was absent.

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**TAB 13 – First Amendment to Service Contract for Water Chemical Analysis Services**

Ahmad Ansari, Director of Public Works/City Engineer stated that this is a request to approve a First Amendment to the Services Contract with Clinical Laboratory of San Bernardino to provide water chemical analysis services on a monthly basis. This is to stay in compliance with the Department of Public Health Services.

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Motion by Mayor Pro Tem Scott, second by Council Member Robertson and carried by a 4-0 vote to adopt budget **Resolution No. 5993** and award a Professionals Services Agreement to Lynn Merrill for Technical Consultant Services to assist with the National Pollution Discharge Elimination System (NPDES) program in the amount of \$59,760. Council Member Palmer was absent.

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**ORAL COMMUNICATIONS**

Mark Sheppard, 1003 West Cypress, Redlands, expressed his concern regarding how the process has proceeded in regards to the perchlorate clean-up.

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Andrew Grundman, Attorney that represents local citizens that are concerned about the future of their drinking water supply. He expressed his concern regarding the West Valley Water District project.

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Rafael Trujillo, Congressman Joe Baca's Office, invited everyone to Congressman's Annual Women's conference at CSUSB.

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**REPORTS**

Mayor Pro Tem Scott stated that the Attorney who came up to speak, "hired gun", works for a competitive water company as a consultant and not for residents of this city. He assures residents of this community they will not serve contaminated water.

He thanked everyone for their kindness when his mother passed away recently.

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Council Member Robertson stated that she would like to close the meeting in memory of Mayor Pro Tem Scott's mother.

She stated she attended The Memorial Day Tribute on Monday, May 30<sup>th</sup>. She thanked City Clerk and all the City staff involved. It was unfortunate they had to deal with some young residents who wanted to skate at the skate park and told it was temporarily closed. She is asking the Human Relations Commission to work with Parks & Recreation to come up with some kind of posting that lets the kids know that profane behavior and activity will not be tolerated.

## **REPORTS**

Council Member Robertson stated they need to know at every public facility that everyone should respect one another.

Council Member Robertson stated with the Centennial Celebration coming up, they are receiving many suggestions of naming things after people. She would like for them to have a process or procedure. She suggested the Human Relations Commission make some recommendations to City Council for criteria on naming public facilities.

She stated currently they have the I-10/Riverside Ave. Interchange under construction and they need to start looking at the various landscape alternatives. She also received a call over the weekend from a local business that now that the detour is in place, its difficult to turn in and out of the business driveways. Public Works came up with some solutions for left turn pockets. She asks that the monthly report from the Traffic Advisory Committee be given to the Transportation Commission.

She was not able to attend the Grand Re-Opening of the library because she hosted a birthday party for her 3 year-old granddaughter.

She would also like to close the meeting in memory of Ida Roberson who was a long time San Bernardino resident, business woman and teacher. She was a life member of NCNW Inland Empire Section.

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Council Member Baca Jr. stated that he would like to adjourn the meeting in memory of Melvin Conway.

He stated in regards to the confrontation at the skate park, they had approved to put up a gate around the skate park.

He attended the Rialto High School Basketball Championship.

He attended the Library Grand Re-Opening. He thanked the City Clerk and staff for putting the event together.

He also attended the Taste of Rialto which was a good event for the City.

He attended the Bloomington High School Scholarship Award Ceremony.

He stated regarding the Memorial Day Event, he thanked the veterans for serving their country.

He spoke to a Public Relations person for Cardenas markets. They are going to expand the market and restructure the front end which will look good aesthetically for the City.

He stated that City Council has been receiving emails about staff behavior and things going on. He apologized to the public for anything that the staff does to offend anybody or embarrass the City.

## **REPORTS**

Council Member Baca Jr. stated in regards to the budget, City Council has been meeting with staff to make sure they are passing a fiscally sound budget. They are in better shape than most cities, Rialto has a larger reserve and making as many cuts as they can but maintain services.

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Mayor Vargas stated that she hasn't attended too many events because she has not been feeling well.

She attended Morris Elementary School 20<sup>th</sup> Anniversary.

She stated that her son is running for City Council in Novato, CA.

She wished Council Member Deborah Robertson a Happy Birthday.

She expressed her condolences to Mayor Pro Tem Scott on the passing of his mother.

She thanked the employees for enduring cuts and taking on in-house work.

She wished Council Member Palmer well, who was not feeling well this evening.

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## **ADJOURNMENT**

Motion by Council Member Baca Jr., second Mayor Pro Tem Scott and carried by a 4-0 vote to adjourn the City Council Meeting in memory of:

**Mrs. Faye Scott**

**Ms. Ida Roberson**

**Mr. Melvin Conway**

**Mr. Lynn Mease**


Council Member Palmer was absent.

The City Council adjourned at 7:55 p.m.

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MAYOR GRACE VARGAS

ATTEST:

  
CITY CLERK BARBARA A. MCGEE

